

CLERK'S OFFICE U.S. DIST. COURT  
AT LYNCHBURG, VA  
FILED  
For Roanoke  
DEC 13 2006  
JOHN F. CONCORAN, CLERK  
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*J. Jackson*

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

NICHOLAS E. PITTALELLI, )  
Petitioner, ) Civil Action No. 7:06-cv-00705  
)  
v. )  
) FINAL ORDER  
)  
UNITED STATES OF AMERICA, )  
Respondent. ) By: Hon. Norman K. Moon  
) United States District Judge

In accordance with the accompanying memorandum opinion, it is now

**ORDERED**

that the petitioner's motion to vacate, set aside or correct sentence under 28 U.S.C. § 2255 shall be and  
hereby is **DISMISSED** without prejudice as premature.

The Clerk is directed to strike the case from the active docket of the court and to send certified  
copies of this order and the accompanying memorandum opinion to the petitioner and counsel of record  
for the respondent.

ENTER: This 13<sup>th</sup> day of December, 2006.

*Norman K. Moon*  
United States District Judge